

**MASSACHUSETTS**

**City Council Calendar No. 14  
Monday, June 17, 2002**

**At 5:30 P.M.**

**CHARTER RIGHT**

1. Charter Right was exercised by Councillor Decker on an order introduced by Vice Mayor Davis, Councillors Decker and Murphy on Policy Order #21 of June 10, 2002 reaffirming that no City of Cambridge department or employee, to the extent legally possible, violate the city's existing status as a "Sanctuary City" and herewith reaffirm the policy to serve as a sanctuary for the persecuted.

**REFER TO PUBLIC SAFETY AND CIVIC UNITY  
FAILED 4-5-0.  
ORDER ADOPTED AS AMENDED.  
5-4-0.**

\* \* \* Material omitted \* \* \*

Amended Order  
Calendar Item #1  
~~O-21.~~

~~June 10, 2002~~  
June 17, 2002

VICE MAYOR DAVIS  
COUNCILLOR DECKER  
COUNCILLOR MURPHY

WHEREAS: The residents of the City of Cambridge wish to honor the memory of all those who have died as a result of the September 11 crimes and their consequences; and

WHEREAS: The City of Cambridge has a tradition of inclusion and extending protections to all its residents as embodied in its Human Rights Ordinance; and

WHEREAS: The Bill of Rights of the United States Constitution and the Constitution of Massachusetts guarantee those living in the United States the following rights: Freedom of speech, assembly and privacy; Equality before the law and the presumption of innocence; Access to counsel and due process in judicial proceedings; and Protection from unreasonable searches and seizures; and

WHEREAS: We believe these civil liberties are precious and are now threatened by the USA PATRIOT Act, which: All but eliminates judicial supervision of telephone and Internet surveillance; Greatly expands the government's ability to conduct secret searches without warrants; Grants unchecked power to the Secretary of State to designate domestic groups as "terrorist organizations"; Grants power to the Attorney General to subject non-citizens to indefinite detention or deportation even if they have not committed a crime; Grants the FBI broad access to sensitive medical, mental health, financial and educational records about individuals without having to show evidence of a crime and without a court order; and

WHEREAS: Federal Executive Orders issued since passage of the USA PATRIOT Act may further endanger the rights and security of both citizens and non-citizens who speak and act legally in opposition to government policies through: Establishing secret military tribunals for terrorism suspects; Authorizing eavesdropping on confidential communications between lawyers and their clients in federal custody; Lifting Justice Department regulations against covert, illegal counter-intelligence operations by the FBI that in the past targeted domestic groups and individuals; Limiting disclosure of public documents and records under the Freedom of Information Act; and

WHEREAS: Cambridge's representative in Congress Michael Capuano, along with his Massachusetts colleagues, Representatives Frank, McGovern, Olver, and Tierney, found the USA PATRIOT Act inappropriate and dangerous enough to join 66 other representatives in voting against it; and

- WHEREAS: This law and these executive orders particularly target foreign nationals and people of Middle Eastern and South Asian descent but could affect any one of us in the USA acting legally and speaking against in opposing government policy and
- WHEREAS: In Zadvydas v. Davis this past session the U.S. Supreme Court affirmed that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent"; and
- WHEREAS: A 1985 City Council resolution declared the City of Cambridge "A Sanctuary City" in which city departments and employees are committed to protect refugees from: requests for information about, or conditioning receipt of city services on, citizenship status; "Investigations or arrest procedures, public or clandestine, relating to alleged violations of immigration law..."; and Deportation and dangerous returns to their homelands; and
- WHEREAS: Through its diversity committee, its support for the Immigrant Voting Rights proposal, and its annual Holocaust commemoration resolution, the City of Cambridge has gone on record "affirming of our diversity" and the need to "be eternally vigilant against all forms of bigotry in our community and elsewhere"; now therefore, be it
- RESOLVED: That the City of Cambridge reaffirm its status as "A Sanctuary City," by protecting civil rights and civil liberties of all people consistent with the Bill of Rights and the Massachusetts Constitution; and be it further
- RESOLVED: That the City of Cambridge affirm its commitment to embodying democracy, to embracing and defending the human rights and civil liberties now under siege, to guaranteeing the economic security required to make those liberties viable for all, regardless of citizenship status, gender, racial identification, religious affiliation, age, or country of origin; and be it further
- RESOLVED: That the City Council, as directed by the City Manager, declares that no City of Cambridge department or employee, to the extent legally possible, violate this city's existing and herewith reaffirmed policy to serve as a sanctuary for civil rights and civil liberties; and further
- RESOLVED: That it shall be the policy of the City of Cambridge, to the extent legally possible and as directed by the City Manager, to hereby request that:
1. Local law enforcement continue to preserve residents' freedom of speech, religion, assembly, and privacy; rights to counsel and due process in judicial proceedings; and protection from unreasonable searches and seizures even if requested or authorized to infringe upon these rights by federal law enforcement acting under new powers granted by the USA PATRIOT Act or orders of the Executive Branch;
  2. The City Manager inform federal and state law enforcement officials acting within the City of our desire that they not engage in or permit detentions without charges or racial profiling in law enforcement; further that the Cambridge Police Department not engage in racial profiling or detention without charges; and

3. The local U.S. Attorney's Office, the Office of the Federal Bureau of Investigation, Massachusetts State Police, and local law enforcement authorities and city departments report to the Cambridge Human Rights Commission regularly and publicly the extent to and manner in which they have acted under the USA PATRIOT Act and new Executive Orders, including disclosing the names of any detainees held in eastern Massachusetts or any Cambridge residents detained elsewhere; and be it further

RESOLVED: That the City Clerk communicate this resolution to all city departments, the General Court, the Governor and Attorney General of the Commonwealth of Massachusetts, the Massachusetts Congressional delegation, the United States Attorney General, and the President of the United States; and be it further

RESOLVED: That the provisions of this resolution shall be severable, and if any phrase, clause, sentence, or provision of this resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of the United States or of the Commonwealth of Massachusetts or the applicability thereof to any agency, person, or circumstances is held invalid, the validity of the remainder of this resolution and the applicability thereof to any other agency, person or circumstances shall not be affected thereby.

In City Council June 17, 2002.

Adopted as amended by a yea and nay vote:-

Yeas 5; Nays 4; Absent 0.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury  
City Clerk